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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

x

TINA MCKENZIE and MICHELLE ARGUEDAS,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NYPD SERGEANT  
DERRICK MILLIGAN (SHIELD #4735), NYPD  
OFFICER DEWIN BENAVIDES (SHIELD #13541),

Defendants.

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISMISSAL**

10-CV-3234 (DLC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/28/2011

**WHEREAS**, plaintiffs commenced this action by filing a complaint on or about April 16, 2010, alleging that defendants violated plaintiffs' federal and state civil rights; and

**WHEREAS**, defendants in this action have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this action without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action, is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff TINA MCKENZIE TWENTY THOUSAND (\$20,000) DOLLARS and plaintiff MICHELLE ARGUEDAS FOUR

THOUSAND FIVE HUNDRED (\$4,500) DOLLARS in full satisfaction of all claims inclusive of costs, expenses, and attorney's fees, brought by plaintiffs as against defendants. In consideration for the payment of this sum, plaintiffs agree to the dismissal with prejudice of all the claims against all the defendants, and to release all defendants and any present or former officials, employees, representatives, and agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above, and Affidavits of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

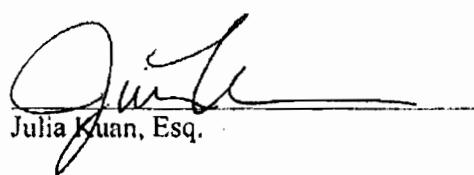
*So ordered.*

*James Cole*  
April 28, 2011

Dated: New York, New York  
3/28, 2011

Julia Kuan, Esq.  
Romano & Kuan, LLP  
*Attorney for Plaintiffs*  
100 Lafayette Street, Suite 401  
New York, New York 10013

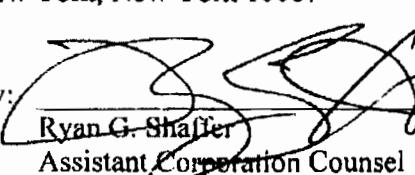
By:



Julia Kuan, Esq.

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street, Room 3-214  
New York, New York 10007

By:



Ryan G. Shaffer  
Assistant Corporation Counsel

SO ORDERED:

Denise L. Cote, U.S.D.J.

